

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LINDA V. MILLER, ET AL,

Plaintiffs,

v.

Civil Action No. 3:02CV42  
(JUDGE BROADWATER)

ERIC PRUENDA, ET AL,

Defendants.

**ORDER SETTING EVIDENTIARY HEARING AND ARGUMENT**

An evidentiary hearing and argument on Plaintiff's Motion to Compel<sup>1</sup> shall be held **Wednesday, November 13, 2002, at 2:00 p.m.,** in the Magistrate Judge Courtroom, Room 433, Fourth Floor, United States Courthouse, Twelfth and Chapline Streets, Wheeling, West Virginia.

The Court will permit any out-of-town lawyers having their offices more than forty miles from the point of holding court where the hearing is scheduled to participate in the proceeding by telephone. Three (3) days prior to the proceeding, any such lawyer seeking to appear by telephone, shall:

1. Inform all counsel and pro se parties of their appearance by telephone;
2. Confer with other out-of-town counsel and pro se parties to determine if they wish to appear by telephone;
3. Advise the Court of the name of the lawyer initiating the conference call, and all such lawyers appearing by telephone; and
4. Initiate one timely conference call, with such lawyers to (304)233-1348, at the time of the scheduled proceeding.

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<sup>1</sup> Doc. No. 25.

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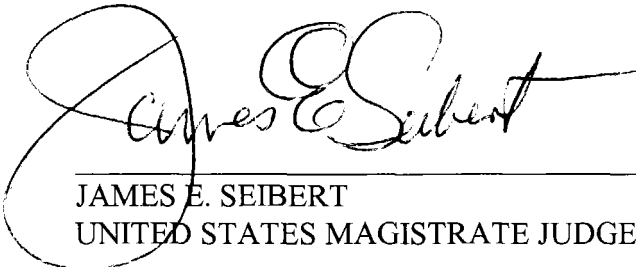
**NOTICE IS HEREBY GIVEN TO ALL PARTIES THAT IF ANY ISSUE OF PRIVILEGE OR PROTECTION IS RAISED AS TO ANY MATTER FED. R. CIV. P. 26(b) (5) REQUIRES THE CLAIM TO BE EXPRESSLY AND SPECIFICALLY DESCRIBED.**

**A privilege or protection log shall be attached to the motion. If not attached to the motion, such log shall be filed with the clerk five (5) days prior to hearing. The log shall contain details, including but not limited to, the time, persons, general subject matter, and Bates stamped numbered pages of each such document sufficient to enable the court and opposing party to evaluate the applicability of the claimed privilege or protection. Further, at the scheduled evidentiary hearing and argument the party claiming the privilege or protection shall have available for cross examination all witnesses necessary to establish all circumstances surrounding the creation and dissemination of all such documents. Counsel of record shall certify she/he has personally reviewed each document in which a privilege is claimed. FAILURE TO COMPLY WITH EVERY PROVISION OF THIS PARAGRAPH SHALL CONSTITUTE A WAIVER OF THE CLAIMED PRIVILEGE OR PROTECTION.**

**NOTICE IS ALSO GIVEN THAT FAILURE TO EXPRESSLY, SPECIFICALLY AND IN DETAIL SET FORTH EVERY OBJECTION TO ANY DISCOVERY CONSTITUTES A WAIVER OF THE OBJECTION UNDER FED. R. CIV. P. AS NOW WRITTEN.**

The Clerk of the Court is directed to mail a copy of this Order to parties who appear pro se and any counsel of record, as applicable.

DATED: October 29, 2002



A handwritten signature in black ink, reading "James E. Seibert". The signature is written in a cursive style with a large, looping initial "J".

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JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE